IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLN.(CONTEMPT PETITION) No 757 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

THE TIMES OF INDIA AND ALLIED PUBLICATIONS EMPLOYEES
Versus
THEW MANAGER BENNETT, COLEMAN & CO. LTD.

Appearance:
MR MUKUL SINHA for Petitioner - Absent
MR VB PATEL for Respondent No. 1 - Absent

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 27/02/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

1. This application is made by the applicant - Union for holding the respondent guilty of having committed contempt of the Court by not implementing the award of the Tribunal by which the respondent was directed to promote Shri V. Ramamurthy to the post of News Editor with effect from September 1985, and further directed to pay wages for the strike period to the concerned workmen. According to the applicant, Special Civil Application No. 6519 of 1988 was preferred by the respondent - Company which was admitted, but no stay was granted against the award of the Tribunal and therefore, the award was required to be implemented. This application was preferred on 12th July 1990.

2. It appears from the additional affidavit filed on behalf of the respondent - Company on 25th September 1990 that, as per the order dated 28-8-1990 annexed to that affidavit, the award has been stayed subject to the conditions mentioned in that order. In the additional affidavit, it has been stated by the respondent that the award has been stayed by the High Court on condition that the benefit flowing from the award should be made available to the applicant without prejudice to the rights and contentions of the Company from the date of the award i.e. 19th May 1988, and that pursuant to this order, the applicant has been given fitment in the grade of News Editor. By letter dated 8-9-1990 the applicant was requested to collect difference of wages. Again on 14-9-1990, he was sent a reminder. Ultimately on 20-9-1990, the respondent sent a letter alongwith a cheque of Rs.3,255=48 towards payment of arrears as per the interim order made by the High Court on 28-8-1990. The copies of the letters sent to the applicant are annexed with the additional affidavit.

3. In view of the above facts, it is clear that there is no willful disobedience of the award of the Tribunal in view of the fact that it has been stayed by the High Court subject to the conditions mentioned in the order. This petition is therefore rejected. Rule is discharged with no orders as to costs.

FEBRUARY 27, 2001 [R.K.ABICHANDANI, J.]

[A.M.KAPADIA, J.]

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